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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Donald Rucker,

Petitioner

v.

Warden Chestnut, et al.,

Respondents

Case No. 2:24-cv-02418-CDS-BNW

Order Dismissing Improperly Commenced
Habeas Proceeding

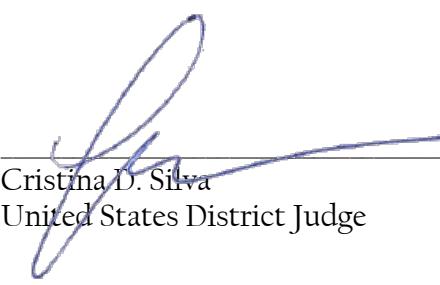
Petitioner Donald Rucker, a federal prisoner, has submitted a pleading styled as a petition for writ of habeas corpus. ECF No. 1-1. Petitioner has not filed an application to proceed *informa pauperis* or paid the filing fee. See 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1, 1-2. Because this matter has not been properly commenced, it is dismissed. The dismissal is without prejudice to bringing a new action under 28 U.S.C. § 2241 with either the \$5.00 filing fee or a completed application to proceed *informa pauperis* on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

I therefore order that this action is dismissed without prejudice. The Clerk is directed to close this case.

I further order that a certificate of appealability is denied as jurists of reason would not find my dismissal of this improperly commenced action without prejudice to be debatable or incorrect.

I further direct the Clerk to send petitioner two copies each of the application form to proceed *informa pauperis* for incarcerated persons and the form for filing a petition for a writ of habeas corpus under 28 U.S.C. § 2241 (with the instructions for both) and a copy of the papers that he submitted in this action.

Dated: January 2, 2025


Cristina D. Silva
United States District Judge